IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 4691 of 2007()

CRIME NO. 1075/07 OF CENTRAL POLICE STATION, ERNAKULAM

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PETITIONER/ACCUSED

K.O. BABY, AGED 57 YEARS, KALLOOKARAN HOUSE
H.NO. 3/720, NEAR LOYALA
THAIKKATTUKARA P.O., ALUVA 683 106.

BY ADV. SRI.V.JOHN SEBASTIAN RALPH

RESPONDENTS/COMPLAINANT:

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1. STATE OF KERALA, REP. BY THE S.I. OF POLICE
CENTRAL POLICE STATION, ERNAKULAM, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. MR.JOSEPH VARGHESE, AGED 56 YEARS
S/O. E.W. VARGHESE, 40/1131, SREERAGAM
CANON SHED ROAD, ERNAKULAM, KOCHI 682011.

R1 BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4691 of 2007

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Dated this the 22nd day of August, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations, inter alia, under Sections 465 and 468 I.P.C. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Allegations have been raised vexatiously with the transparent intention of harassing the petitioner. In these circumstances anticipatory bail may be granted to the petitioner, it is prayed.

3. The learned Prosecutor does not oppose the application. He submits that the present crime has been registered on the basis of the said private complaint. It is true that an earlier crime had been registered and substantial portion of the allegations raised in the present complaint had already been investigated and final report filed

before the court concerned i.e. No. 1677 of 2006. The only allegation made now is under the provisions of the Companies Act. The State has no objection in anticipatory bail being granted to the petitioner now, submits the learned Prosecutor.

3. I have considered the submissions made. In the light of the stand taken by the learned Prosecutor it is not necessary to advert to facts in any greater detail. I am satisfied that the petitioner can be granted anticipatory bail, subject to appropriate conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 31.8.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 1.9.2007

and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 31.8.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 31.8.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 31.8.2007.

(R. BASANT)
Judge

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